

1909-005 Chancery Causes: G. C. Duff vs. J. W. Hall or  
Lee Co.

Robinet, Glass, Baker, Hickam

CA - Contract Dispute  
T - Property



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Humbly complaining, your orator, G. C. Duff would respectfully represent and show unto your honor, that on the first day of February, 1896, J. W. Hall purchased by contract from J. W. Glass a certain tract or parcel of land situated in Lee County, Virginia, on the North side of Powell's Mountain in the Wallens Creek country, and known as the east end of the W. M. G. Glass land, and adjoining the land of W. M. Venerable and others, and containing twenty five acres more or less, excepting from said conveyance one-third of the proceeds of the two west fields of land in said tract, and at that time in cultivation, supposed to be eight acres, during the life time of W. M. Glass and his wife, for which said tract of land the said J. W. Hall agreed to pay the said J. W. Glass \$500.00, and as evidence of said indebtedness, he executed unto the said J. W. Glass, his two notes for \$250.00 each, dated February, 1st, 1896,

the first of said two notes was due one day after date, and the other of said notes for \$250.00 was due twelve months after date, and which said notes were secured by your orator, who signed the same with the said J. W. Hall, which two said notes were afterwards paid by your orator in accordance to an agreement between himself and J. W. Hall, and said notes are herewith filed marked "Exhibit A", and prayed to be read and treated as a part of this bill.

The said J. W. Glass executed unto the said J. W. Hall a contract or title bond for said land, which said contract or bond is herewith filed marked "Exhibit B", and prayed to be read and treated as a part of this bill. The said J. W. Hall finding himself unable to pay for said land assigned the said contract under seal to your orator in the following language written and endorsed upon the back of said contract or bond, to-wit:

"For the purpose of securing for the money furnished, and secured to be paid for for the payment, for the within described land, I assign unto G. C. Duff the within bond, with the following condi-



M. C. Parker, Hagerstown, Md. -  
D. C. Seckman, Hagerstown, Md. -

M. C. Parker, Hagerstown, Md. -  
D. C. Seckman, Hagerstown, Md. -

deferred from time to time by the said J. W. Glass, until he finally leaving the following children heirs at law, viz- Rosie Fay who married Mr. Rabinett, Lizzie who married sickened and died without executing said deed and your orator is

The prayer, therefore, of your orator is, that Rosa Fay Robinson nee Glass, Mrs Robinson her husband, Lizzie Baker, nee Glass & W. B. Baker her husband, Harward Glass, Amédée Hickam nee Glass & D. C. Hickam her husband, Sherman Glass, Minnie Glass, children and heirs at law of Q. W. Glass, deceased, and J. F. Glass, guardian for Howard, Sherman and Nora Glass and J. W. Hall

be made parties defendants to this bill, and that the adult defendants be required to answer the same in their own proper person, and that the infant defendants and heirs at law be required to answer said bill by a Guardian Ad Litem; and that M. G. Ely, be appointed Guardian Ad Litem to answer for ~~said~~ *Minors William, Sherman Glass & Maud Glass* infant defendants, but that the said answers need not be under oath that being expressly waived; and that upon a hearing the adult heirs of the said J. W. Glass be compelled to execute unto your orator a good and sufficient deed



for said tract of land , and the said J. W. Hall be required to join in said deed, and that a special commissioner be appointed to execute a deed for the said infant defendants to said land, or that if the adult heirs fail to execute a deed in their own proper person for said land, that a special commissioner be appointed to execute a deed for said adult heirs unto your said orator, and for said infant heirs unto ~~the~~ said orator for said tract of land unto ~~your orator~~; and that in the event that said heirs are unable to make unto your orator a good and sufficient deed for said land ~~by~~ <sup>for</sup> any reason, then, ~~that~~ they be required to pay unto your orator the penalty of said bond or contract, which is \$1000.00; and that all such other, further and general relief ~~be~~ afforded your orator as in the premises may be just and right. And he will ever pray &c.

Wm. V. Hall. Jr.





\$250.00

Feb- the 1

1896

one day After date We promise to  
pay to J. W. Glass or order  
Two hundred and Fifty Dollars.

For value received. Payable at

And each of us, whether maker or endorser, hereby severly waives and renounces for himself and family any and all homestead or exemption rights he may have under or by virtue of the constitution or laws of the State, or of the United States against this note or renewal thereof.

No Paid by G. B. Duff

Due

J. W. Hull [L. S.]

G. B. Duff [L. S.]



J. H. Hall & L. B. Duff  
Note \$250.00



\$250.00

Feb the 1

1896

one day

After date We promise to

pay to J. W. G. Bass

or order

Two hundred Fifty

Dollars.

For value received. Payable at

And each of us, whether maker or endorser, hereby severly waives and renounces for himself and family any and all homestead or exemption rights he may have under or by virtue of the constitution or laws of the State, or of the United States against this note or renewal thereof.

No

Paid by G. C. Duff

J. W. Hall [L. S.]

Due

G. C. Duff [L. S.]





J. W. Hall & G. B. Duff

No 2500

Exhibit 9

Collateral



## Blackwater Lee County Virginia

Feb- the 1. 1896

Know all men by the presence that the undersigned J. W. Glass of the County of Lee & State of Virginia has this day bargained & sold to J. T. Hall of the aforesaid County & State a certain parcel of Land situated on the North side of Powell Mountain in Lee County Virginia known as the east end of the J. W. Glass land adjoining the lands of Wm. M. Venable and others containing 25 Acres more or less with the ~~exultions~~ <sup>the</sup> of one third the proceeds of the two west field now in cultivation supposed to be eight <sup>during the said J. W. Glass's wife's lifetime</sup> ~~years~~ <sup>years</sup> on the following terms Two hundred & Fifty Dollars in hand paid and secured to be paid, and Two hundred and Fifty <sup>Dollars</sup> to be paid <sup>in</sup> twelve months from date with interest and the said J. W. Glass is firmly held and bound in the sum of one Thousand Dollars to make or cause to be made a good and sufficient deed unto the said J. T. Hall when the payments is fully made whereby the notes is now executed for the same this given under my hand and seal the day and date above written

J. W. Glass



For the purpose of securing for the money  
furnished, and secured to be paid for  
for the payment, for the within described  
land, I assign unto G. B. Duff the within  
bond, with the following conditions, if  
G. B. Duff is paid back all the money with  
legal interest, then this obligation to be  
void, otherwise G. B. Duff is to have full  
control of said land. Given under my  
hand and seal this the 10<sup>th</sup> day of Feb 1896  
Jas. W. Ball (Seal)

Exhibit "B"

J. W. Ball  
Title Bond to  
J. W. Ball



G. C. Duff

Bill in Chancery.

J. W. Hall et al.

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1909 1<sup>st</sup> April Rules  
Bill filed, & pa  
executed on  
adult debts,  
& D. N. as to  
Them.

" 2<sup>nd</sup> Apr. Rules  
D.N. conf'd as to  
adult debts. &  
cause set for  
hearing as to Them.



In the Circuit Court for the County of Lee,  
to-wit:

THE ANSWER OF Abnera Hickam, Sherman Glass  
Emi Glass

infants under the age of twenty-one years, by M. G. Ely  
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against  
them and others in the Circuit Court for the County of  
Lee, by G. C. Duff and others.

The respondent, reserving to ~~themselves~~ the benefit of all just exceptions to the said bill, for  
answer thereto, answering by said guardian *ad litem*, say that they are infants of  
tender years, and by reason of such disability are incapable of understanding, or of  
taking care of their rights and interests, they therefore commend the same  
to the protection of the court, and prays that no decree may be pronounced which will tend  
to their prejudice.

And having answered, the respondent pray to be hence dismissed with their  
reasonable costs, in this behalf expended; and they will ever pray, &c.

M. G. Ely Guardian *ad litem*.

p. d.

Va. County  
OF  
Lee } ss.

This day, M. G. Ely, whose name is signed to  
the foregoing answer, personally appeared before me, H. C. Joslyn a Justice  
and made oath that the statements made therein, so far as they depend upon his own knowl-  
edge, are true, and so far as they depend upon knowledge derived from others he believes them  
to be true.

Given under my hand, this 1st day of May 1909  
H. C. Joslyn J. P.



Rosa Fay Robinson et al,

adv. }

ANSWER  
OF  
INFANT DEFENDANT.

G. C. Duff

Filed May 3, 1909.  
H. C. D. Ewing,  
clerk.

M. A. L. Fee \$5<sup>00</sup>.



G. C. Duff,

Plaintiff

vs.

In Chancery

J. W. Hall, et al,

Defendants.

This cause came on to be finally heard upon the papers formerly read in the cause, and the report of James W. Orr, commissioner filed in the cause Dec. 14th 1909, and the deed therewith executed by said Orr commissioner as aforesaid together with J. W. Hall, to the plaintiff G. C. Duff, conveying to said Duff the land ordered to be conveyed to him by the decree entered in the cause Sept. 17th, 1909, and was argued by counsel.

On consideration thereof, ~~and~~ there being <sup>no</sup> exceptions to said report and deed it is adjudged, ordered and decreed that the said report and deed, be and the same are hereby approved and confirmed, and the said Duff has leave to withdraw the said deed from the papers of this cause for recordation, and it is ordered that he pay to the said James W. Orr, commissioner, the sum of \$5.00 for making said deed, for which sum execution may issue. And the cause is stricken from the docket.



G. C. Duff.  
vs { Decree Final.  
J. W. Hall et al.

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Entered in C.O.B.  
#8, page 573

Enter this Decree.  
~~It is as shown~~  
Decr 14 1909.



G. C. Duff,

Plaintiff

vs.

In Chancery

J. W. Hall, et al,

Defendants.

This cause came on to be heard upon the bill of the plaintiff, and the exhibits therewith, the process duly executed on the adult defendants, and the cause regularly matured at rules and set for hearing as to said adult defendants, and the answer of M. G. Ely, Guardian Ad Litem for the infant defendants, and was argued by counsel.

On consideration thereof and the adult defendant failing to appear, plead, demur or answer the bill is taken for confessed against them. And it is adjudged, ordered and decreed that the plaintiff is entitled to specific execution of the contract in the bill mentioned, and there being no conveyance of the lands sold by said contract, by the adult heirs of J. W. Glass, deceased, and it appearing to the court that the plaintiff is entitled to a proper conveyance of said land, it is further adjudged, ordered and decreed that J. W. Orr, who is appointed a commissioner for the purpose, do convey by proper deed, with covenants of special warranty as to himself, and with covenants of general warranty as to the heirs of the said J. W. Glass, deceased, to the plaintiff G. C. Duff. <sup>the said tract of land</sup> Subject to the exceptions of one-third of the proceeds of the two west fields in cultivation at the time of the execution of the said contract, supposed to be eight acres. <sup>and</sup> It appearing from the allegations of the bill and exhibits filed therewith that the plaintiff G. C. Duff has paid the full amount of the purchase price for said land, <sup>and that</sup> the said defendant J. W. Hall ~~as~~ assignee, <sup>and transferred</sup> and ~~trustee~~ to the said plaintiff all his interest in the said contract provided the said G. C. Duff did pay the amount of the purchase money, It is therefore adjudged, ordered and decreed that the said Hall shall join in said deed with the said commissioner



and convey any interest that <sup>he</sup> may ~~be~~ have had in the said tract of land to the said G. C. Duff, and should he fail to do so, then the said commissioner shall convey for him such interest as he may have had as aforesaid. And it appearing that said purchase money was paid in the life time of the said J. W. Glass, and the failure to make a deed of conveyance was <sup>the fault</sup> ~~that~~ of the said J. W. Glass, it is adjudged, ordered and decreed that the plaintiff recover his costs, in this behalf expended, from the said Rosa Fay Robinett, Lizzie Baker, Howard Glass, Almeda Hickham, Sherman Glass, <sup>Y</sup> Eunia Glass, which recovery ~~so far~~ <sup>the</sup> as to <sup>the</sup> infant heirs, Almeda Hickham, Sherman Glass and Eunia Glass ~~are concerned~~ shall be paid by the defendant J. F. Glass their Guardian, but this cost is not to include the fee of the said J. W. Orr, commissioner for making said deed, but the said complainant shall pay to the said J. W. Orr, commissioner aforesaid, \$5.00 for making said deed. And said commissioner J. W. Orr having made <sup>will report his action hereunder</sup> and reported said deed the same <sup>to the next term of the court,</sup> is ~~approved and confirmed by the court,~~ and the plaintiff has leave to withdraw the same from the papers of this cause for ~~recording.~~ <sup>Continued.</sup> And the cause is ~~stricken from the docket.~~



G. C. Duff.  
vs { Decree  
J. W. Hall et al

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Entered in C.O.B.  
# 8, page 5334e.

Enter this decree  
Haw Shun  
Sept 17<sup>th</sup>/909.



G. C. Duff,

Plaintiff.

vs.

In Chancery

J. W. Hall, et al,

Defendants.

The undersigned commissioner in this cause respectfully reports that pursuant to the decree entered therein on the 17th day of September, 1909, he together with J. W. Hall, have executed to G. C. Duff<sup>a</sup> proper deed as required by said decree for the tract of land in the cause mentioned and ordered to be conveyed to said Duff by said decree, which deed is herewith filed as part hereof marked "Deed" for confirmation.

Dec. 14 1909.

James W. Orr, Commissioner.



G. C. Duff  
vs { Cair's Report.  
J. W. Hall et al.

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Filed Dec 14, 1909.

H. C. D. Ewing,  
Clerk.



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Rosa Fay Robinett, ree Glass,*  
*Will Robinett, Lizzie Baker, ree Glass, W.P. Baker,*  
*Howard Glass, Almedia Hickam, ree Glass, Sher-*  
*man Glass, Essie Glass, J.F. Glass, Guardian,*  
*and J.W. Hall*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on

the *1<sup>st</sup>* Monday in *April*, 190*7*, to answer a bill in chancery exhibited against *Them*

*in our said Court by G.C. Duff.*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *22<sup>nd</sup>*

day of *March*, 190*7*, and 1*33<sup>d</sup>* year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk

\_\_\_\_\_, Clerk



G. C. Duff

VS

SUBPOENA  
IN  
CHANCERY

Rosa Fay Robinson,  
et al,

Orr & Woolf, p. q.

To

1st April

Rules

Lee Circuit

Court

1909  
Executed by delivering a  
True copy to J. W. Holly  
this March 23 - 1909  
G. V. Sage. D S for W. J. Tucker  
S. L. C.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Rosa Fay Robinette, nee Glass,  
Will Robinette, Lizzie Baker, nee Glass, W.P. Baker,  
Howard Glass, Almedia Hickam, nee Glass, Shor-  
man Glass, Eunice Glass, J.F. Glass, Guardians,  
and J.W. Hall.*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on

the *1st* Monday in *April*, 190*9*, to answer a bill in chancery exhibited against *them*  
*in our said Court by G.C. Duff-*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *22nd*

day of *March*, 190*9*, and 1*33rd* year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk

, Clerk



G.C. Duff

VS

}

SUBPOENA  
IN  
CHANCERY

Rosa Fay Robinett,

et al,

Orn & Noel, p. q.

To

1st April

Rules

Lee Circuit

Court

Enclosed by Believing  
a copy to W.P. Baker  
Suzie Baker W.W. Robinett  
Rosa Fay Robinett  
Howard G. Hall and

J.F. Shaw. This. Apr 2

W.E. Shaw 2/1909  
for my father 18c

I accept notice of the within process as one  
of the defense bank of this court, this 2nd April  
1909.  
D.E. Stiehm